

REMARKS

Claims 1-73 are now pending in this Application. The Office Action dated June 8, 2004 rejected Claims 1-58, and 63-73, and objected to Claims 74-79. In response, Applicants have cancelled Claims 74-79. Also, Applicants have amended Claim 1, 26-27, 43, 67-69, and 70 to further clarify the patentable matter of the claimed invention. Applicants submit that the pending claims are now patentable for at least the reasons discussed below:

Objections and allowable matter:

The Office Action objected to Claim 70 in regard to informalities that have been corrected by this amendment.

Also, the Office Action objected to Claims 74-79 for being dependent upon a rejected base claim, but they would be allowable if rewritten to include all of the limitations of the base claim, and any intervening claims, from which they depend.

In response, the Applicant has made the following amendments:

Claim 1 has been amended to include all of the limitations of Claim 74;

Claim 74 has been canceled;

Claim 26 has been amended to include all of the limitations of Claim 75;

Claim 75 has been canceled;

Claim 27 has been amended to include all of the limitations of Claim 76;

Claim 76 has been canceled;

Claim 43 has been amended to include all of the limitations of Claim 77;

Claim 77 has been canceled;

Claim 67 has been amended to include all of the limitations of Claim 78;

Claim 78 has been canceled;

Claim 68 has been amended to include all of the limitations of Claim 79; and

Claim 79 has been canceled.

Therefore, based at least upon these amendments Claims 1-68 are now in condition for allowance.

Rejection under 35 U.S.C. 103(a) of claims 1-26

The Office Action has rejected Claims 1-26 as being unpatentable over prior art for reasons of obviousness.

The Applicants respectfully disagree that the referenced prior art makes the rejected claims 1-26 unpatentable. However, in view of the amendments to independent Claims 1 and 26, these rejections are now moot.

Rejection under 35 U.S.C. 103(a) of claims 27-42

The Office Action has rejected Claims 27-42, as being unpatentable over prior art for reasons of obviousness.

The Applicants respectfully disagree that the referenced prior art makes the rejected claims 27-42 unpatentable. However, in view of the amendments to the independent Claim 27, these rejections are now moot.

Rejection under 35 U.S.C. 103(a) of claims 43-58 and 63-66

The Office Action has rejected Claims 43-58, and 63-66, as being unpatentable over prior art for reasons of obviousness.

The Applicants respectfully disagree that the referenced prior art makes the rejected claims 43-58, and 63-66 are unpatentable. However, in view of the amendments to the independent Claim 43, these rejections are now moot.

Rejection under 35 U.S.C. 103(a) of claim 67

The Office Action has rejected Claim 67, as being unpatentable over von Rosen et al. (U.S. Patent 6,493,677) in view of official notice.

The Applicants respectfully disagree that the referenced prior art makes the rejected claim 67 unpatentable. However, in view of the amendments to the independent Claim 67, this rejection is now moot.

Rejection under 35 U.S.C. 103(a) of claim 68

The Office Action has rejected Claim 68, as being unpatentable over von Rosen et al. (U.S. Patent 6,493,677) in view of official notice.

The Applicants respectfully disagree that the referenced prior art makes the rejected claim 68 unpatentable. However, in view of the amendments to the independent Claim 68, this rejection is now moot.

Rejection under 35 U.S.C. 103(a) of claim 69-73

The Office Action has rejected Claim 69-73, as being unpatentable over Hosken (U.S. Patent 6,438,579) in view of official notice of web pages used to display lists of available products.

In regard to amended Claim 69, the claimed invention enables a two-stage process for associating sounds with non-sound products. The first stage employs contextual interaction information to identify the representation of the sound that is sought by the user. See, Application, Page 11, Line 25-28, Page 12, Line 1-9; Figure 5, 150, 152. The second stage employs rules-based artificial intelligence analysis for dynamically determining which non-sound products are associated with the representation of the sound the sought by the user. See, Application, Page 21, Line 1-5; Figure 17; Figure 18. In contrast, Hosken employs a single query method for finding media content items that meet a given threshold.

Another difference of the claimed invention is that representations of sounds can be dynamically associated with non-sound products using a rules-based analysis that draws on a variety of data inputs, including, but not limited to, contextual interaction of a user, the type of viewing program, the user's personal attributes, and the like. See, Application, Page 21, Line 7-12. In addition, the claimed invention's second stage query enables the non-sound product selections to be tailored and customized for each user. See, Application, Page 21, Line 1-5.

Another difference of the claimed invention is that the analysis and search methodology employed to identify the representation of the sound is decoupled from the analysis and search methodology employed to associate the non-sound products to the sound. This decoupling enables the claimed invention to use one set of criteria for identifying the representation of the sound sought by the user and another set of criteria for dynamically associating the non-sound products.

In contrast, Hosken discloses a process that employs a single method to recommend/find media contents items that match the user's criteria. Cleary, the claimed invention's second stage of dynamically determining the associated non-sound products is NOT taught or suggested by the combination of Hosken and the officially noticed web-page products listing. Accordingly, all of the limitations of amended Claim 69 are not taught or suggested by Hosken in view of the official notice of web-page product listing. Therefore, Claim 69 is non-obvious and allowable.

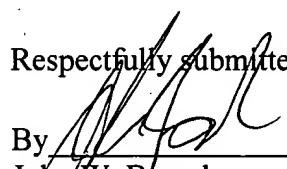
Furthermore, since Claims 70-73 depend from independent Claim 69, they are allowable for at least the reasons as the independent claim upon which they depend.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

By


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Attachments